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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,793	12/03/2003	John Carney	40004572-0022-002	6787
71867 7590 05/25/2010 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER SCHNURR, JOHN R	
			ART UNIT 2421	PAPER NUMBER
			MAIL DATE 05/25/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,793	Applicant(s) CARNEY ET AL.	
	Examiner JOHN SCHNURR	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-17,22-33 and 38-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-17,22-33 and 38-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 02/15/2010. Claims 1, 6-17, 22-33 and 38-53 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 02/15/2010 have been fully considered but they are not persuasive.

In response to applicant's argument that the combination of Begeja (US 2003/0030752), Logan (US 2003/0093790) and Shimomura (US 6,526,580) does not teach "the sequencing order is specified by a user-specified traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node," the examiner respectfully disagrees. Logan teaches selecting video segments to create a composite video sequence by traversing a decision tree. A user may specify football games and select passing plays for inclusion in the playlist ([0364]). Shimomura teaches selecting video clips by traversing a decision tree having a plurality of nodes and selecting a video at each node to further limit the next node. The user selects interest category 1, which includes a video clip, then may select interest category 1a then 1a(i) and so on (Fig. 9 col. 12 line 58 to col. 13 line 10). Each selected category having a video display and further limiting the scope of the selections.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 6-13, 15-17, 22-29, 31-33, 38-45 and 47-53** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Begeja et al. (US 2003/0030752)**, herein Begeja, in view of **Logan et al. (US 2003/0093790)**, herein Logan, further in view of **Shimomura et al. (US 6,526,580)**, herein Shimomura.

Consider **claim 1**, Begeja clearly teaches a method comprising:

providing one or more lists, each list containing a plurality of video clips;
(A list of topics each containing a list of clips is presented to the user, [0051], the clips may be video content, [0058].)

receiving input specifying a set of two or more of the plurality of video clips and a sequencing order; **(The user selects clips to be played, [0063]-[0064]. The clips may be played in a predetermined order, [0065].)**

creating, prior to presentation, a composite video clip sequence in the sequencing order, wherein each of the specified set of video clips is a component video clip of the composite video clip sequence; **(The clips may be stitched together and streamed to the user, [0055].) and causing presentation of the composite video clip sequence. (Fig. 5)**

However, Begeja does not explicitly teach the sequencing order is specified by a user-specified traversal of a decision tree.

In an analogous art, Logan, which discloses a system for creating a VOD clip sequence, clearly teaches the sequencing order is specified by a user-specified traversal of a decision tree. **([0360]-[0366])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja by specifying a

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user defined sequencing order, as taught by Logan, for the benefit of presenting only segments of interest to a viewer.

However, Begeja combined with Logan does not explicitly teach video clip selection by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node.

In an analogous art Shimomura, which discloses a system for providing program segments on demand, clearly teaches video clip selection by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node. **(Fig. 9: The user selects interest category 1, which includes a video clip, then may select interest category 1a then 1a(i) and so on, each selected category having a video display and further limiting the scope of the selections, column 12 line 58 to column 13 line 10.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja combined with Logan by selecting video clips by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node, as taught by Shimomura, for the benefit of easily locating segments of interest.

Consider **claim 6**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches storing the composite video to a storage medium. **(Fig. 5: Button 580 allows the user to archive the clips, [0065] Begeja.)**

Consider **claim 7**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches the storage medium is included in a digital video recorder. **([0032] Begeja)**

Consider **claim 8**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches causing presentation of the composite video clip sequence includes recognizing the completion of a component video clip and automatically commencing presentation of a subsequent component video clip. **(The clips are stitched together and streamed as one continuous program, [0055] Begeja.)**

Consider **claim 9**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches presenting the composite video clip sequence includes initiating a new session for a component video clip prior to completion of presentation of a previous component video clip. **(While previously obtained and locally stored information is being played a second media stream is being delivered and/or buffered for viewing, [0086] Begeja.)**

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Consider **claim 10**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches creating the composite video clip sequence includes creating a video file such that each component video clip is a segment of the video file. **([0055] Begeja)**

Consider **claim 11**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches transition between component video clips is accomplished by moving to specific time codes within the video file. **(The player identifies the clip based on the start time timestamp, [0046] and [0053] Begeja.)**

Consider **claim 12**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches creating the composite video clip sequence includes concatenating each of the video clips of the selected set of two or more video clips. **([0055] Begeja)**

Consider **claim 13**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches including component video clip metadata in or with the composite video clip. **(Information associated with the clip may be displayed, [0064] Begeja.)**

Consider **claim 15**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches inserting additional component video clips in the composite video clip sequence. **(Advertisements may be inserted into the video stream, [0057] Begeja.)**

Consider **claim 16**, Begeja combined with Logan and Dougherty, as in claim 1, clearly teaches the additional component video clips are automatically inserted in the composite video clip sequence based upon a set of predefined rules. **(The commercials are inserted between every third clip, [0057] Begeja.)**

Consider **claim 17**, Begeja clearly teaches a machine-readable medium having stored thereon executable instructions which when executed by a processor cause a method to be performed, the method comprising:

providing a list containing a plurality of video clips; **(A list of topics each containing a list of clips is presented to the user, [0051], the clips may be video-on-demand content, [0058].)**

receiving input specifying a set of two or more of the plurality of video clips and a sequencing order; **(The user selects clips to be played, [0063]-[0064]. The clips may be played in a predetermined order, [0065].)**

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creating, prior to presentation, a composite video clip sequence in the sequencing order, wherein each of the specified set of video clips is a component video clip of the composite video clip sequence; **(The clips may be stitched together and streamed to the user, [0055].) and causing presentation of the composite video clip sequence. (Fig. 5)**

However, Begeja does not explicitly teach the sequencing order is specified by a user-specified traversal of a decision tree.

In an analogous art, Logan, which discloses a system for creating a VOD clip sequence, clearly teaches the sequencing order is specified by a user-specified traversal of a decision tree. **([0360]-[0366])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja by specifying a user defined sequencing order, as taught by Logan, for the benefit of presenting only segments of interest to a viewer.

However, Begeja combined with Logan does not explicitly teach video clip selection by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node.

In an analogous art Shimomura, which discloses a system for providing program segments on demand, clearly teaches video clip selection by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node. **(Fig. 9: The user selects interest category 1, which includes a video clip, then may select interest category 1a then 1a(i) and so on, each selected category having a video display and further limiting the scope of the selections, column 12 line 58 to column 13 line 10.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja combined with Logan by selecting video clips by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node, as taught by Shimomura, for the benefit of easily locating segments of interest.

Consider **claim 22**, see claim 6.

Consider **claim 23**, see claim 7.

Consider **claim 24**, see claim 8.

Consider **claim 25**, see claim 9.

Consider **claim 26**, see claim 10.

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Consider **claim 27**, see claim 11.

Consider **claim 28**, see claim 12.

Consider **claim 29**, see claim 13.

Consider **claim 31**, see claim 15.

Consider **claim 32**, see claim 16.

Consider **claim 33**, Begeja clearly teaches a system comprising:

a server configured to store video content, the video content including a plurality of video clips; **(Fig. 2: Video server 220 retrieves the clips from storage 210, [0043] and [0045].)**

a user terminal communicatively coupled to the server, **(Fig. 2 eClips client 250, [0054])** the user terminal comprising a processor and executable instructions, which, when executed cause the user terminal to perform operations comprising: providing access to the plurality of video clips receiving a selection of a set of two or more video clips of the plurality of VOD clips, **(The user selects clips to be played, [0063]-[0064].)**

receiving input specifying a sequencing order for the set of selected video clips, **(The clips may be played in a predetermined order, [0065].)** and

creating, prior to presentation, a composite video clip sequence in the sequencing order, wherein each of the two or more video clips of the selected set of video clips is a component video clip of the composite video clip sequence; **(The clips may be stitched together and streamed to the user, [0055].)** and causing presentation of the composite video clip sequence. **(Fig. 5)**

However, Begeja does not explicitly teach the sequencing order is specified by a user-specified traversal of a decision tree.

In an analogous art, Logan, which discloses a system for creating a VOD clip sequence, clearly teaches the sequencing order is specified by a user-specified traversal of a decision tree. **([0360]-[0366])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja by specifying a user defined sequencing order, as taught by Logan, for the benefit of presenting only segments of interest to a viewer.

However, Begeja combined with Logan does not explicitly teach video clip selection by traversal of a decision tree having a plurality of decision nodes

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structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node.

In an analogous art Shimomura, which discloses a system for providing program segments on demand, clearly teaches video clip selection by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node. **(Fig. 9: The user selects interest category 1, which includes a video clip, then may select interest category 1a then 1a(i) and so on, each selected category having a video display and further limiting the scope of the selections, column 12 line 58 to column 13 line 10.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja combined with Logan by selecting video clips by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node, as taught by Shimomura, for the benefit of easily locating segments of interest.

Consider **claim 38**, see claim 6.

Consider **claim 39**, see claim 7.

Consider **claim 40**, see claim 8.

Consider **claim 41**, see claim 9.

Consider **claim 42**, see claim 10.

Consider **claim 43**, see claim 11.

Consider **claim 44**, see claim 12.

Consider **claim 45**, see claim 13.

Consider **claim 47**, see claim 16.

Consider **claim 48**, Begeja clearly teaches an apparatus comprising:

a processor; and a machine-readable medium having stored thereon executable instructions which, when executed, cause the apparatus to perform:

providing one or more lists, each list containing a plurality of video clips; **(A list of topics each containing a list of clips is presented to the user, [0051], the clips may be video-on-demand content, [0058].)**

receiving input specifying a set of two or more of the plurality of the video clips and a sequencing order; **(The user selects clips to be played, [0063]-[0064]. The clips may be played in a predetermined order, [0065].)**

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creating, prior to presentation, a composite video clip sequence in the sequencing order wherein, each of the specified set of video clips is a component video clip of the composite video clip sequence; **(The clips may be stitched together and streamed to the user, [0055].) and causing presentation of the composite video clip sequence. (Fig. 5)**

However, Begeja does not explicitly teach the sequencing order is specified by a user-specified traversal of a decision tree.

In an analogous art, Logan, which discloses a system for creating a VOD clip sequence, clearly teaches the sequencing order is specified by a user-specified traversal of a decision tree. **([0360]-[0366])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja by specifying a user defined sequencing order, as taught by Logan, for the benefit of presenting only segments of interest to a viewer.

However, Begeja combined with Logan does not explicitly teach video clip selection by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node.

In an analogous art Shimomura, which discloses a system for providing program segments on demand, clearly teaches video clip selection by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node. **(Fig. 9: The user selects interest category 1, which includes a video clip, then may select interest category 1a then 1a(i) and so on, each selected category having a video display and further limiting the scope of the selections, column 12 line 58 to column 13 line 10.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja combined with Logan by selecting video clips by traversal of a decision tree having a plurality of decision nodes structured such that specifying a video clip at each node constrains selection of video clips at a subsequent node, as taught by Shimomura, for the benefit of easily locating segments of interest.

Consider **claim 49**, see claim 8.

Consider **claim 50**, see claim 9.

Consider **claim 51**, see claim 12.

Consider **claim 52**, see claim 13.

Consider **claim 53**, see claim 15.

5. Claims **14, 30 and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Begeja et al. (US 2003/0030752)** in view of **Logan et al. (US 2003/0093790)** in view of **Shimomura et al. (US 6,526,580)** further in view of **Mitchell (US 2002/0162120)**.

Consider **claim 14**, Begeja combined with Logan, as in claim 1, clearly teaches including VOD component metadata. **(Information associated with the clip may be displayed, [0064] Begeja.)**

However, Begeja combined with Logan and Shimomura does not explicitly teach the metadata is a uniform resource locator.

In an analogous art Mitchell, which discloses a system for transferring video information, clearly teaches transmitting metadata using URLs. **([0064])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Begeja combined with Logan and Shimomura by transmitting the metadata using URLs, as taught by Mitchell, for the benefit of enabling the STB to access the Internet ([0003] Mitchell).

Consider **claim 30**, see claim 14.

Consider **claim 46**, see claim 14.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

JRS